

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 487

AN ACT to amend the Indiana Code concerning transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 8-22-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Whenever the fiscal body of an eligible entity adopts an ordinance or a resolution in favor of the acquisition, improvement, operation, or maintenance of an airport or landing field for the entity under this chapter, and declaring a necessity for the airport or landing field, then on the effective date of the ordinance or resolution, there is established as an executive department of the entity a department of aviation, under the control of a board to be known as the board of aviation commissioners.

(b) The following apply to a board of aviation commissioners established under this chapter:

- (1) Except as provided in subsections (e), ~~through~~ (f), **and (g)**, the board consists of four (4) members.
- (2) Except as provided in subsection (e), the executive of the entity shall appoint the members of the board.
- (3) Except as provided in ~~subsection~~ **subsections** (f) **and (g)**, not more than two (2) of the members of the board may be of the same political party.

(c) The fiscal body of the entity may provide a per diem for the members of the board in any amount not exceeding thirty-five dollars (\$35) for each whole or part day a member is engaged in board activities. The members of the board shall also be paid their actual

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expenses, which may include the expenses of the members or employees of the board in attending meetings or conventions held to discuss aviation matters.

(d) Before beginning the duties of office, each board member shall take and subscribe the usual oath of office, to be endorsed upon the certificate of appointment, and shall cause that to be filed with the clerk or other officer performing duties similar to that of clerk in the entity. Any person who does not file the oath with the clerk or other officer performing duties similar to that of the clerk within thirty (30) days after the beginning of the term for which ~~he~~ **the person** has been appointed, or at the date of ~~his~~ **the person's** appointment, if appointed after the beginning of the term, is considered to have refused to serve and the office becomes vacant.

(e) Notwithstanding subsection (b), if a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000) has established a board, the county council and the mayors of the two (2) cities in the county having the largest populations may each appoint one (1) additional member to the board, thereby creating a board consisting of a total of seven (7) members. The three (3) additional members serve in the same manner, are accorded the same status, and perform the same duties as the four (4) initial board members, and serve terms of four (4) years. If either the county council or either of the two (2) mayors fails to make appointments to the board, that fact does not prejudice appointments that may be made by the other appointing authority or authorities.

(f) This subsection applies to the following:

(1) A county having a population of more than ninety thousand (90,000) but less than one hundred thousand (100,000).

(2) A county having a population of more than thirty-six thousand (36,000) but less than thirty-six thousand seventy-five (36,075).

Notwithstanding subsection (b), if a county has established a board under this chapter, the county executive may add one (1) additional member to the board so that the board has a total of five (5) members. Not more than three (3) of the five (5) members of the board may be of the same political party. The one (1) additional member shall serve in the same manner, be accorded the same status, and perform the same duties as the four (4) initial members, and serve a four (4) year term.

**(g) This subsection does not apply to a board subject to subsection (e) or (f). Notwithstanding subsection (b), the fiscal body of an eligible entity may adopt an ordinance or a resolution providing that the board consists of five (5) members. If the board consists of five (5) members, not more than three (3) members may**

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**be of the same political party.**

SECTION 2. IC 8-22-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) **This subsection applies only in counties that contain a consolidated city or at least one (1) second class city.** To be eligible to be a member of the board of aviation commissioners, a person must:

- (1) be at least eighteen (18) years of age;
- (2) be a resident of the county in which the eligible entity is located;
- (3) not be actively engaged or employed in commercial aeronautics;
- (4) not hold any other governmental office (by appointment or election) that has statutory fiscal or management review of the board's actions; and
- (5) not serve as a member of any other agency, board, commission, department, or other governmental entity that:
  - (A) is located within the jurisdiction of the department of aviation; and
  - (B) has statutory fiscal or management review of the board's actions.

~~(b) The restrictions on membership qualifications contained in subsection (a)(4) and (a)(5) apply only to counties in which are located:~~

- ~~(1) consolidated cities; or~~
- ~~(2) second class cities.~~

**(b) This subsection does not apply to a county if the county contains a consolidated city or a second class city. To be eligible to be a member of the board of aviation commissioners, a person must:**

- (1) be at least eighteen (18) years of age;**
- (2) be a resident of the county in which the eligible entity is located; and**
- (3) not be actively engaged or employed in commercial aeronautics in a county that the board serves.**

SECTION 3. IC 8-22-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The first members of the board hold office as follows:

- (1) One (1) for the term of one (1) year.
- (2) One (1) for the term of two (2) years.
- (3) One (1) for the term of three (3) years. ~~and~~
- (4) In the case of:**
  - (A) a board initially established with four (4) members, one**
    - (1) for the term of four (4) years; **or**

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**(B) a board initially established with five (5) members, two (2) for the term of four (4) years.**

**The members serve under this subsection** from twelve o'clock noon on the first Monday in January of the year of their appointment.

**(b)** On the expiration of the respective terms, the executive shall appoint a commissioner or commissioners to fill the vacancies caused by the expiration, and the commissioner or commissioners so appointed hold office for a term of four (4) years, and until their successors are appointed and qualified, and if a vacancy occurs in the board by resignation or otherwise, the executive shall appoint a commissioner for the remainder of the term. The executive of the eligible entity may, at any time, remove a commissioner from office, but only upon filing in writing with the clerk or other officer performing duties similar to that of clerk in entities having no clerk, the reasons for the removal.

SECTION 4. IC 8-22-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) Except as provided in subsections (b), (c), (d), (e), ~~and (f)~~, **and (g) and section 4.3 of this chapter**, the board consists of four (4) members, whenever the fiscal body of an eligible entity, acting individually, establishes an authority. The members of the board shall be appointed by the executive of the entity, and not more than two (2) members of the board may be of the same political party.

**(b)** In the event that two (2) cities or one (1) city and one (1) town act jointly to establish an authority under this chapter, the board consists of five (5) members. The executive of each city or town shall each appoint two (2) members to the board. The county executive shall appoint one (1) member to the board. Each member appointed by an executive must be of a different political party than the other appointed member.

**(c)** In the event that an authority is established by a city or town and a county, acting jointly, the board consists of six (6) members. The executive of each entity shall appoint three (3) members. Not more than two (2) members appointed by each executive may be of the same political party.

**(d)** In the event that an authority was established under IC 19-6-3 (before its repeal on April 1, 1980) the board consists of five (5) members. Three (3) members of the board shall be appointed by the mayor of the city, and two (2) members of the board shall be appointed by the board of commissioners of the county. Not more than two (2) members representing the city may be members of the same political party, and not more than one (1) member representing the county may be a member of the same political party.

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(e) Except as provided in section 4.1(b)(3) of this chapter, the county executive of each Indiana county that is adjacent to a county establishing an authority under this chapter and in which the authority owns real property may appoint one (1) advisory member to the board. An advisory member who is appointed under this subsection:

- (1) must be a resident of the adjacent county;
- (2) may not vote on any matter before the board;
- (3) serves at the pleasure of the appointing authority; and
- (4) serves without compensation or payment for expenses.

(f) The board of an authority established in a city that has a population of more than sixteen thousand six hundred (16,600) but less than seventeen thousand four hundred (17,400) consists of five (5) members. The members of the board shall be appointed by the executive of the eligible entity, and not more than three (3) members of the board may be of the same political party.

**(g) This subsection does not apply to a board subject to subsection (b), (c), (d), or (f). Notwithstanding subsection (a), the fiscal body of an eligible entity may adopt an ordinance or a resolution providing that the board consists of five (5) members. If the board consists of five (5) members, not more than three (3) members may be of the same political party.**

SECTION 5. IC 8-22-3-4.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 4.3. (a) This section applies only to the board of an airport authority that:**

- (1) is not located in a county containing a consolidated city;**
- (2) is established by a city; and**
- (3) has entered into a federal interstate compact.**

**(b) The board of an airport authority described in subsection (a) consists of members appointed as follows:**

- (1) Four (4) members appointed by the executive of the city in which the airport is located. Not more than two (2) members appointed under this subdivision may be members of the same political party.**
- (2) One (1) member appointed by the executive of the county in which the airport is located.**
- (3) One (1) member appointed by the executive of the county (other than the county in which the airport is located) that is closest geographically to the airport.**
- (4) One (1) member appointed by the governor.**

**(c) A member of the board holds office for four (4) years and until the member's successor is appointed and qualified.**

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(d) If a vacancy occurs in the board, the authority that appointed the member that vacated the board shall appoint an individual to serve for the remainder of the unexpired term.

(e) A board member may be reappointed to successive terms.

(f) A board member may be impeached under the procedure provided for the impeachment of county officers.

SECTION 6. IC 8-22-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) **This subsection applies only in counties that contain a consolidated city or at least one (1) second class city.** To be eligible to be a member of the board, a person must have the following qualifications:

- (1) Be at least eighteen (18) years old.
- (2) Except as provided in section 4.1 of this chapter, be a resident of the county in which the eligible entity is located.
- (3) Not be actively engaged or employed in commercial aeronautics.
- (4) Not hold any other governmental office (by appointment or election) that has statutory fiscal or management review of the board's actions.
- (5) Not serve as a member of any other agency, board, commission, department, or other governmental entity that:
  - (A) is located within the jurisdiction of the authority; and
  - (B) has statutory fiscal or management review of the authority's actions.

~~(b) The restrictions on membership qualifications contained in subsection (a)(4) and (a)(5) apply only to counties in which are located:~~

- ~~(1) consolidated cities; or~~
- ~~(2) second class cities.~~

**(b) This subsection does not apply to a county if the county contains a consolidated city or a second class city. To be eligible to be a member of the board, a person must:**

- (1) be at least eighteen (18) years of age;**
- (2) be a resident of the county in which the eligible entity is located; and**
- (3) not be actively engaged or employed in commercial aeronautics in a county that the board serves.**

SECTION 7. IC 8-22-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The board members shall be appointed as soon as possible after the adoption of an ordinance establishing an authority under this chapter. The term of each member starts at noon on the day the authority is established, at which time the board members shall meet and organize as the board.

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(b) Members of the board shall be appointed as follows:

(1) One (1) member for an initial term of one (1) year.

**(2) One (1) for an initial term of two (2) years. and**

**(3) If a third or fourth appointment is required, one (1) for an initial term of three (3) years and one (1) for an initial term of four (4) years.**

**(4) If a fifth appointment is required, one (1) for an initial term of four (4) years.**

**(5) If a sixth appointment is necessary, one (1) for an initial term of four (4) years.**

At the expiration of the respective terms, a member or members shall be appointed to fill the vacancies caused by the expiration. The members so appointed hold office for a term of four (4) years and until their successors are appointed and qualified. ~~(2)~~ If the authority was established under IC 19-6-3 (before its repeal on April 1, 1980), at the expiration of the members' terms the mayor or the board of county commissioners shall appoint a member or members to fill the vacancies caused by the expiration. The members so appointed hold office for a term of three (3) years and until their successors are appointed and qualified.

(c) If a vacancy occurs in the board by resignation or otherwise, a member shall be appointed for the remainder of the term.

(d) A board member is eligible for reappointment to successive terms.

(e) A board member may be impeached under the procedure provided for the impeachment of county officers.

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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SEA 487 — Concur+

